

109TH CONGRESS
1ST SESSION

S. 1711

To allow the Administrator of the Environmental Protection Agency to waive or modify the application of certain requirements.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15, 2005

Mr. INHOFE (for himself and Mr. VITTER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To allow the Administrator of the Environmental Protection Agency to waive or modify the application of certain requirements.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. WAIVERS AND MODIFICATIONS OF APPLICA-**
4 **BILITY OF CERTAIN REQUIREMENTS.**

5 (a) WAIVERS AND MODIFICATIONS.—

6 (1) IN GENERAL.—Notwithstanding any other
7 provision of law, except as provided in paragraph

8 (2), with respect to the 120-day period beginning on
9 August 26, 2005, the Administrator of the Environ-

1 mental Protection Agency, in consultation with the
 2 Governor of any affected State, as determined by the
 3 Administrator, may waive or modify the application
 4 of any requirement that is contained in any law (in-
 5 cluding a regulation) under the administrative juris-
 6 diction of, or that applies to any project or activity
 7 carried out by, the Environmental Protection Agen-
 8 cy, if the Administrator determines that the waiver
 9 or modification—

10 (A) is necessary to respond, in a timely
 11 and effective manner, to a situation or damage
 12 relating to Hurricane Katrina; and

13 (B) is in the public interest, taking into
 14 consideration—

15 (i) any emergency condition relating
 16 to Hurricane Katrina; and

17 (ii) any consequence to public health
 18 or the environment of providing the waiver
 19 or modification.

20 (2) EXTENSIONS.—

21 (A) IN GENERAL.—Except as provided in
 22 subparagraph (B), the Administrator may ex-
 23 tend or modify a waiver or modification under
 24 paragraph (1) for a period of longer than 120

1 days, as the Administrator determines to be ap-
2 propriate.

3 (B) LIMITATION.—An extension under
4 subparagraph (A) shall expire not later than
5 the date that is 18 months after the date of en-
6 actment of this Act.

7 (3) EFFECTS OF WAIVERS AND MODIFICA-
8 TIONS.—Any effect of a waiver or modification
9 under paragraph (1) shall be considered to be in ac-
10 cordance with the requirements of the waiver or
11 modification, regardless of whether the effect occurs
12 during the effective period of the waiver or modifica-
13 tion.

14 (b) NOTICE TO CONGRESS.—

15 (1) INITIAL NOTICE.—Not later than 14 days
16 after the date of enactment of this Act, the Adminis-
17 trator shall submit to the Committee on Environ-
18 ment and Public Works of the Senate and the Com-
19 mittees on Transportation and Infrastructure and
20 Energy and Commerce of the House of Representa-
21 tives an initial notice of any waiver or modification
22 provided under this section during the period begin-
23 ning on August 26, 2005, and ending on the date
24 on which the notice is submitted, including a jus-
25 tification of the waiver or modification.

1 (2) SUBSEQUENT NOTIFICATIONS.—Not later
2 than 14 days after the date on which the Adminis-
3 trator submits the initial notice under paragraph
4 (1), and every 14 days thereafter, the Administrator
5 shall submit to the Committee on Environment and
6 Public Works of the Senate and the Committees on
7 Transportation and Infrastructure and Energy and
8 Commerce of the House of Representatives a notice
9 of any waiver or modification provided by the Ad-
10 ministrator under this section during the preceding
11 14 days, including a justification of the waiver or
12 modification.

13 (c) REPORT.—Not later than 1 year after the date
14 of enactment of this Act, the Administrator shall submit
15 to the Committee on Environment and Public Works of
16 the Senate and the Committees on Transportation and In-
17 frastructure and Energy and Commerce of the House of
18 Representatives a report describing—

19 (1) any provision of a statute or regulation that
20 may have contributed to a delayed response or a
21 delay in the provision of a recovery effort relating to
22 Hurricane Katrina or a related condition; and

23 (2) recommendations for statutory and regu-
24 latory actions necessary to expedite or facilitate re-

- 1 covery efforts relating to a major disaster or emer-
- 2 gency, as determined by the Administrator.

